

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNA VOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number CE11591JBE</b>
<b>First Named Inventor:</b> Charbel Khawand <b>Application No:</b> 10/747,844 <b>Filed:</b> December 29, 2003 <b>Title:</b> METHOD AND SYSTEM FOR EMPLOYING ADAPTIVE EVENT CODES <b>Confirmation No.</b> 6130 <b>Attention:</b> Office of Petitions Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916	<b>Art Unit:</b> <b>Examiner:</b>	

**Note:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee
 

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(i)). Applicant claims small entity status  
 See 37 CFR 1.27.

☒ Other than small entity – fee \$ \$ 500.00
2. Reply and/or fee
 

A. The reply and/or fee to the above-noted Office action in the form of:

  - Executed Oath for Inventors Jianping Tao and John Vaglica (the second and third inventors in this patent application).

☐ has been previously filed on \_\_\_\_\_

☒ is enclosed herewith

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLE UNDER 37 CFR 1.137(a)**

## 3. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ For a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63)

## 4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

5. ☒ The Commissioner is hereby authorized to charge any fees which may be required,  
Or credit any overpayment, to Deposit Account Number 502117March 15, 2005

Date

(954) 723-6449

Telephone Number

Registration Number, 45,834  
if applicable  
SignatureLarry G. Brown

Typed or printed name

Motorola, Inc.

Address

8000 W. Sunrise Blvd.  
Plantation, FL 33322


Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first-class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark office at (703) 308-6916.March 15, 2005

Date

  
SignatureSilvana Wiltshire

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
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**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by an other party who is presenting statement concerning the cause of delay

March 15, 2005

Date

  
Signature45,834

Registration Number, if applicable

Larry G. Brown

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

On December 29, 2003, we filed with the U.S. Patent and Trademark Office (USPTO) a patent application for our docket No. CE11591JBE. Attached please find the Express Mail Receipt, Label No. EL 962737413 US, that confirms our filing date. On January 12, 2004, we received our return postcard in which the USPTO allotted Serial Number 10/747,844 and a filing date of December 29, 2003 to this application. Also attached please find a copy of a docketing report for CE11591JBE. In accordance with Motorola policy, a docket report is created for every patent application filed with the USPTO. Our docketing personnel are trained to enter into each appropriate docket report the receipt of all correspondence from the USPTO. In view of this docket report, both the docketing clerk and the responsible Motorola attorney are automatically reminded of all important deadlines. For example, for this patent application, the date the Information Disclosure Statement was filed and the foreign filing deadline were clearly recorded. As such, the training of Motorola's employees and its docketing system are designed to keep us from missing important deadlines.

It is our contention that we did not receive the Notice to File Missing Parts, which the USPTO is claiming was mailed on April 13, 2004. There is no record of this document in either our docketing database or in the physical file folder for this patent application. Because we never received the Notice to File Missing Parts, we submit that our delay in responding to this document was unavoidable pursuant to 37 CFR 1.137(a). As further evidence of the reliability of our docketing system, the Notice of Abandonment and the Petition to Revive were docketed.

In the event the USPTO requires further evidence of Motorola's procedures and docketing records, or if a telephone call would advance the resolution of this case, please feel free to call the attorney of record.

(Please attach additional sheets if additional space is necessary)

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